

## EXHIBIT 476

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
	:	Case No.
	:	1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Monday, January 7, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

- - -

Videotaped deposition of TOM NAMETH, held at  
the offices of Cavitch, Familo & Durkin,  
1300 East Ninth Street, Cleveland, Ohio, commencing at  
9:03 a.m., on the above date, before Carol A. Kirk,  
Registered Merit Reporter and Notary Public.

- - -

GOLKOW LITIGATION SERVICES  
877.370.3377 ph | 917.591.5672 fax  
deps@golkow.com

<p style="text-align: right;">Page 358</p> <p>1 Q. Okay. So a more aggressive 2 controlled substance monitoring system was never 3 implemented? 4 A. Correct. 5 Q. Okay. Even though this e-mail 6 indicates that it was in the final process, 7 right? 8 A. I'm trying to find where that 9 states. 10 Q. Second sentence. 11 A. Oh, we're in the final process? 12 Unless he is in reference to the Chain Drug 13 Consortium that was mentioned earlier in here 14 that we were looking to aggressively change our 15 controlled drug policy. 16 Q. But this more aggressive 17 monitoring system was never put in place, as far 18 as you know, right? 19 A. Correct. 20 Q. Okay. Is there a reason why you 21 guys were asking the DEA for guidance on your 22 monitoring system in 2013 and didn't do it 23 before that? 24 A. No. But even after attending this</p>	<p style="text-align: right;">Page 360</p> <p>1 Do you see that? 2 A. Yes. 3 Q. And there's a CDC Controlled 4 Substances Model Policy attached, and this is 5 from Ed McGinley, right? 6 A. Right. 7 Q. And he says, "Attached is a 8 substance model policy." 9 And then down below, he says, "It 10 is a comprehensive document intended to be used 11 as a template to construct controlled substance 12 policies or to evaluate and enhance existing 13 policies." 14 Right? 15 A. Correct. 16 Q. And if you turn to the next page, 17 there's the document he's referring to. 18 Do you see that? 19 A. Yes. 20 Q. What, if anything, did you do with 21 this document? 22 A. We reviewed it to see if it would 23 fit our model. 24 Q. Did it fit?</p>
<p style="text-align: right;">Page 359</p> <p>1 conference, they never really spelled out what 2 methodology they really wanted us to do. It was 3 mentioned during this conference, "What are you 4 doing about all the prescriptions that we're 5 seeing? You know, it's somebody's job to 6 monitor the doctors and all the scripts that 7 we're seeing." 8 That's -- that's the source of 9 what -- we're filling their orders. Is anybody 10 monitoring the doctors? Is the AMA? Is the 11 DEA? And their answer was no. 12 Q. All right. We're on 23 now, which 13 is DDM31931. 14 --- 15 (DDM-Nameth Exhibit 23 marked.) 16 --- 17 BY MR. MULLIGAN: 18 Q. And just to confirm, you guys 19 never put your substance -- Controlled Substance 20 Monitoring Policy in writing, correct? 21 A. Correct. 22 Q. All right. So this is an e-mail 23 from Ed McGinley and you're on the to line on 24 December 2, 2013.</p>	<p style="text-align: right;">Page 361</p> <p>1 A. For the most part, yes, with small 2 tweaks in there. 3 Q. Okay. Did you change your 4 unwritten controlled substance monitoring policy 5 at all after seeing this document? 6 A. Not on a corporate level. 7 Q. Okay. Did you do it on a store 8 level? 9 A. No. 10 Q. Okay. So this didn't cause you to 11 change anything that you were doing, correct? 12 A. Correct. 13 Q. Okay. Did you ever provide a 14 document like this to a distributor if they 15 required evidence that you had a suspicious 16 order monitoring policy? 17 A. Yes. If they -- what we did, if I 18 remember correctly, in reviewing this -- this 19 was in late '13 -- we looked at this and 20 basically what a lot of this is, or most of it, 21 is what we currently were doing so that if 22 someone did ask us for a written policy -- if we 23 had a policy, this was already written in and it 24 matched what we were currently doing, so we</p>